IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Appeal No. 689 of 2005
In
Notice of Motion No. 1834 of 2003
In
T & I Petition 384 of 2003

Mrs. Shabnam Merchant & Anr. .. Appellants
V/s.
Mr. Gopal Ramourti & Ors. .. Respondents

Mr. Vijay Nair with Ms. S.T. Shaikh i/b. M/s. S.K. Srivastav & Co. for the Appellants
Mr. M.S. Doctor i/b. M/s. Hariani & Co. for the Respondent Nos. 1 and 2
Mr. B. Saraf i/b. Mr. Jatin R. Shah for the Respondent No. 3

CORAM : DR. S. RADHAKRISHNAN &
S.C. DHARMADHIKARI, JJ.
DATED : 05.09.2005.

P.C.:-

1. Heard the learned counsel for the Appellants and the Respondents. By this Appeal, the Appellant is challenging the order dated 8.7.2005, whereby the learned Single Judge has appointed Court Receiver with regard to the shop nos. 15 and 17 and has allowed the Respondent Nos. 3 and 4 to run the business of a restaurant known as Garden grill from the suit premises.

2. We have also perused paragraph 7 of the affidavit of the Appellant. In the said paragraph, the Appellant has clearly admitted that the Respondent Nos. 3 and 4 have been permitted to run the business with regard to the suit premises. There is no dispute that the suit premises are part of the assets of the deceased.

3. Under these circumstances, we do not find anything illegal, perverse in the interlocutory order. Appeal is devoid of merits, the same stands dismissed.

(DR. S. RADHAKRISHNAN, J.)

(S.C. DHARMADHIKARI, J.)